

October 10, 2010

Honorable Robert D. Drain
U.S. Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains NY 10601

Re: Case No. 09-24078
Zev Lewinson
19 Mariner Way
Monsey NY 10952

U.S. BANKRUPTCY COURT
FILED
2010 OCT 18 PM 4:23
S.D.N.Y.

Dear Judge Drain:

Pursuant to the September 22, 2010 letter from the offices of Frenkel Lambert (please see attached) representing One West Bank in the above-referenced matter (scheduled for conference for October 25, 2010) I humbly request that His Honor ask The Bank of New York why they will not allow One West Bank to modify my loan.

Amid the national foreclosure crisis (I never made a late mortgage payment in over thirty years), it seems that much of the problem is the inability to speak to someone of capability at any bank. I'll spare His Honor the horrific details and the frustrations I've endured while things have spiraled (almost) out of control. Yet at a time when banks are voluntarily suspending foreclosure proceedings in twenty three states, I fail to see why The Bank of New York is in such a rush to foreclose on my property. Especially when One West Bank assures me that I would easily qualify for a modification.

I was originally a client of Indymac Bank, which later turned into Indymac Mortgage Services, a division of One West Bank. When I submitted all the documentation approximately two months ago, I was assured (based on tax returns and the value of the home) that we would indeed qualify for a modification. Instead, I received a letter stating that the owner of my loan "forbids" modifying my loan. At a time when many servicers have become foreclosure mills and are committing endless (and often careless) errors, might I ask that His Honor request The Bank of New York to be transparent as to "how and why" they came to own my note. Might I also ask His Honor to request that they either return my loan to One West Bank so that they can modify my loan, or to release One West from the "contractual agreement" that forbids them to modify my loan.

I spoke with a Carlos at Indymac several days ago, and he could only tell me that the Bank of New York is a "private investor." He also told me that it's extremely rare for them to have any of Indy's loans. In fact, he had yet to see them as an investor. He could not explain how or why my loan wound up with them. Upon requesting a number for them, he sincerely apologized and said that he did not even have one. I tried contacting the Bank of New York myself and it was like a mouse running on a treadmill circle. It seems they have no record of who I am. My social and address were meaningless. And so I'm stuck. I know many people who were able to receive a very helpful loan modification from Indymac. My only impediment is due to the present holder of my note (which I'm not even sure they can produce).

If His Honor only knew what I've endured these past three years at the hands of credit card companies (that raised their rates when I had a 740 credit score and was merely using the lines they allowed me), and the mortgage industry (which imploded because of Wall Street and Bank greed), he would probably command the Bank of New York to just hand my note over to me. We'll never know the entire real "story" of pervasive rapscallion banking that took place along with the endless obfuscation and confusion that now exists. Couple that with a mindless bailout of the perpetrators of so much havoc in the lives of so many hard working people. In consideration of all the above, and at a time when there is talk of massive fraud and illegitimate paperwork in the service industry - creatively called "Foreclosuregate" by Karl Denninger, would it be too much to allow this fifty seven year old father of five to remain in his home. My wife has agreed to stay in the house and to help with the mortgage. She is the most honest person in the world and can't handle these things. She is a physician assistant in cardiac surgery and I am an English teacher and CEO of a small publishing company that is just taking its first baby steps. I'm so tired of all this, that I was ready to just sign the property over in-lieu of foreclosure. That was until my little eight year old daughter told me one night that she "likes her room and likes our house." Can His Honor please help us keep our home?

Very truly yours,



Zev Lewinson

cc: Robert Lewis, Esq., Attorney for Debtor
Raquel Felix, Attorney for One West Bank



PLEASE REPLY TO:
LONG ISLAND OFFICE
20 WEST MAIN STREET
BAY SHORE, NY 11706
TEL: (631) 969-3100
FAX: (631) 969-3101

September 22, 2010

Hon. Robert D. Drain
U.S. Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Zev Lewinson
Case No.:09-24078
Our File No.: 01-034545-B02

Dear Judge Drain:

Please be advised that our office represents OneWest Bank, F.S.B. in the above-referenced bankruptcy matter. The settlement conference for the above matter is presently scheduled for October 25, 2010.

Pursuant to a letter dated August 11, 2010, attached hereto, the debtor's request to modify their loan was denied on the basis that the loan does not qualify for modifications due to contractual obligations with the owner of the loan. Our office contacted OneWest Bank, F.S.B. to request a more detailed explanation for the denial and were advised that they do not own this loan, but simply service the Mortgage on behalf of The Bank of New York who does not allow them to modify their mortgage loans at this time.

Very truly yours,

Frenkel Lambert Weiss Weisman & Gordon, LLP

BY: _____

Raquel Felix, Esq.

cc: Robert S. Lewis, Esq., Attorney for Debtor
Zev Lewinson, Debtor

NYC OFFICE:
61 BROADWAY, SUITE 2020
NEW YORK, NY 10006-2700
TEL: (212) 344-3100
FAX: (212) 422-4047

WWW.FLWLAW.COM

NJ OFFICE:
80 MAIN STREET
WEST ORANGE, NJ 07052
TEL: (973) 325-8800
FAX: (973) 325-2264